



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2020-0169]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption from J.J. Keller & Associates, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant the application of J. J. Keller & Associates, Inc. (J. J. Keller) for a limited five-year exemption to allow its Advanced Driver Assistance Systems (ADAS) camera to be mounted lower in the windshield on commercial motor vehicles (CMV) than is currently permitted. The Agency has determined that lower placement of the ADAS camera would not have an adverse impact on safety and that adherence to the terms and conditions of the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety provided by the regulation.

DATES: This exemption is effective November 24, 2020 and will end November 24, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC-PSV, (202) 366-0676, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, D.C., 20590-0001.

Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to www.regulations.gov at any time or visit Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help

you, please call (202) 366-9317 or (202) 366-9826 before visiting Docket Operations.

The online Federal document management system is available 24 hours a day, 365 days a year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

J. J. Keller's Application for Exemption

J. J. Keller applied for an exemption from 49 CFR 393.60(e)(1) to allow its ADAS cameras to be mounted lower in the windshield than is currently permitted by the Agency's regulations to optimize the functionality of the camera system. A copy of the application is included in the docket referenced at the beginning of this notice.

In its application, J. J. Keller states that the functionality of its camera now includes the ability to provide following distance warnings, lane departure warnings, monitoring of posted speed limit and stop sign abidance, detection of driver drowsiness, and use of cell phones and seat belts and that these features will increase safety. J. J. Keller notes that it piloted the devices' functionality, and found that there was no significant obstruction to the driver's normal sightlines to the road ahead, highway signs and signals, or any mirrors.

The camera housing is approximately 91.5 mm (3.6 inches) tall by 123.5 mm (4.86 inches) wide, and will be mounted in the approximate center of the windshield with the bottom edge of the camera housing approximately 8 inches below the upper edge of the area swept by the windshield wipers. The camera will be mounted outside the driver's normal sight lines to the road ahead, signs, signals and mirrors. This location will allow for optimal functionality of the safety features supported by the camera.

Without the proposed exemption, J. J. Keller states that its clients (1) will not be able to install these devices in an optimal location on the windshield to maximize the effectiveness of the ADAS safety features, and (2) could be fined for violating current regulations. The exemption would apply to all CMVs equipped with J. J. Keller's ADAS camera mounted on the windshield. J. J. Keller believes that mounting the ADAS camera system as described will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Comments

FMCSA published a notice of the application in the **Federal Register** on August 13, 2020 and asked for public comment (85 FR 49416). The Agency received comments from the National Private Truck Council (NPTC), Wisconsin Motor Carriers Association (WMCA), and 72 individuals. The (NPTC) supported the exemption application, noting that the J. J. Keller ADAS camera is designed to provide such features

as: following distance warnings; lane departure warnings; monitoring of posted speed limits; compliance with stop signs; and detection of driver drowsiness, use of cell phones, seat belts, and food and drink while in the cab. NPTC stated that these features promote beneficial safety practices and are of interest to NPTC member companies. The Wisconsin Council of Safety Supervisors, a subdivision of the WMCA, composed of safety and personnel supervisors from regulated for-hire and private motor carriers, unanimously voted at its most recent meeting to support the J. J. Keller petition, citing the safety benefits and referencing similar FMCSA exemptions granted to other ADAS camera technology suppliers. Seventy-two individuals provided comments on the J. J. Keller application, with some arguing that the driver-facing portion of the ADAS camera could present a distraction to the driver. Some commenters also expressed concern that the camera could create a visual blind spot that may obstruct the driver's view of traffic and traffic signs and signals in certain driving situations.

FMCSA Decision

FMCSA has evaluated the J. J. Keller exemption application. The ADAS camera system housing is approximately 3.6 inches tall, and is mounted near the top of the center of the windshield, with the bottom of the camera housing located approximately 8 inches below the top of the area swept by the windshield wipers. The camera needs to be mounted in this location for optimal functionality of the ADAS system. The desired optimal functionality and the relative size of the camera system precludes mounting it (1) higher in the windshield, and (2) within 4 inches from the top of the area swept by the windshield wipers to comply with § 393.60(e)(1)(ii)(A).

The Agency believes that granting the temporary exemption to allow placement of the ADAS camera lower than currently permitted by Agency regulations will likely provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the information available, there is no

indication that the ADAS camera would obstruct drivers' views of the roadway, highway signs and signals, and surrounding traffic; (2) generally, trucks and buses have an elevated seating position that greatly improves the forward visual field of the driver and any impairment of available sight lines would be minimal; and (3) the mounting location where the bottom of the ADAS camera housing will not exceed 8 inches below the upper edge of the area swept by the windshield wipers outside the driver's and passenger's normal sight lines to the road ahead, highway signs and signals, and all mirrors, will be reasonable and enforceable at roadside. In addition, the Agency believes the use of the ADAS camera by fleets is likely to improve the overall level of safety for the motoring public.

This action is consistent with the following previously issued Agency actions permitting the placement of similarly-sized devices on CMVs outside the driver's sight lines to the road, and highway signs and signals: Samsara Networks, Inc. 85 FR 68409 (Oct. 28, 2020), Nauto Inc. 85 FR 64220 (Oct. 9, 2020), Lytx Inc. 85 FR 30121 (May 21, 2020), and Navistar Inc. 84 FR 64952 (Nov. 25, 2019). FMCSA is unaware of any evidence showing that installation of other vehicle safety technologies mounted on the interior of the windshield has resulted in any degradation in safety.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning November 24, 2020 and ending November 24, 2025. During the temporary exemption period, motor carriers will be allowed to operate CMVs equipped with J. J. Keller's ADAS camera in the approximate center of the top of the windshield and such that the bottom edge of the camera housing is approximately 8 inches below the upper edge of the area swept by the windshield wipers, outside of the driver's and passenger's normal sight lines to the road ahead, highway signs and signals, and all mirrors. The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) motor

carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers operating CMVs equipped with J. J. Keller's ADAS camera are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

James W. Deck,
Deputy Administrator.

[FR Doc. 2020-25889 Filed: 11/23/2020 8:45 am; Publication Date: 11/24/2020]